

PTO/SB/29 (10-00)

Approved for use through 10/31/2002. OMB 0851-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# **CONTINUED PROSECUTION APPLICATION (CPA)** **REQUEST TRANSMITTAL**

Submit an original, and a duplicate for fee processing.

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:

☒ DUPLICATE

## Address to:

Assistant Commissioner for Patents  
 Box CPA  
 Washington, DC 20231

SEP 18 2002

Attorney Docket No.  
of Prior Application

NISUS-002-PAP

First Named Inventor

Jerzy Lewak

Examiner Name

Lance W. Sealey

Group Art Unit

2772

Express Mail Label No.

N/A

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),

(continued prosecution application (CPA)) of prior application number 09 / 160,728

filed on 9/25/98, entitled A Method of Presenting &amp; Teaching Abstract Concepts...

## **NOTES**

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-4-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

- ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 in the prior nonprovisional application.
- ☒ A preliminary amendment is enclosed.
- This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - ☐ DELETE the following inventor(s) named in the prior nonprovisional application:  
 \_\_\_\_\_
  - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- Information Disclosure Statement (IDS) is enclosed:
  - ☐ PTO-1449
  - ☐ Copies of IDS Citations

(Page 1 of 2)

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09/19/2002

02 FC:231

PTO/SB/29 (10-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c) or (i))	20	-20* =	0	x \$9.00 =	\$ 0
INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	3	-3** =	0	x \$42.00 =	0
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				+ \$140.00 =	0
				BASIC FEE (37 CFR 1.18)	740.00
				Total of above Calculations =	740.00
Reduction by 50% for filing by small entity (Note 37 CFR 1.27).					370.00
* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.				TOTAL =	370.00

6. ☒ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.7. The Commissioner is hereby authorized to credit overpayments or charge the ~~patent~~ fees to Deposit Account No. 50 - 0490 : **additional**a. ☐ Fees required under 37 CFR 1.16.b. ☐ Fees required under 37 CFR 1.17.c. ☐ Fees required under 37 CFR 1.18.8. ☐ A check in the amount of \$ \_\_\_\_\_ is enclosed.9. ☒ Payment by credit card. Form PTO-2038 is attached.10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of \_\_\_\_\_ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.11. ☐ New Attorney Docket Number, if desired \_\_\_\_\_  
(Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.)12. a. ☒ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)b. ☐ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)13. ☐ Other: \_\_\_\_\_**NOTE:**

The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

**14. NEW CORRESPONDENCE ADDRESS**☐ Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or ☐ New correspondence address below

Name

William C. Boling, Esq.

JAQUEZ &amp; ASSOCIATES

Address

750 B Street, Suite 2640

City

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State

CA

Zip Code

92101

Country

U.S.A.

Telephone

(619) 238-1814

Fax

(619) 238-2426

**15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print IType)

William C. Boling, Esq.

Signature

*William C. Boling*

Registration No. (Attorney/Agent)

41,625

Date

September 17, 2002

PTO/SB/29A (08-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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If this RECEIPT is included with a request for a CPA filed by facsimile transmission, it will be date stamped and mailed to the ADDRESS in item 1.

Applicant's Mailing Address for this receipt must be CLEARLY PRINTED or TYPED in the box below.

William C. Boling, Esq.  
JAQUEZ & ASSOCIATES  
750 B Street, Suite 2640  
San Diego, CA 92101

FAX RECEIVED

SEP 18 2002

PETITIONS OFFICE

(To accompany a request for  
a Continued Prosecution Application (CPA)  
under 37 CFR 1.53(d)  
filed by facsimile transmission)

**NOTE:** By this receipt, the USPTO (a) acknowledges that a request for a CPA was filed by facsimile transmission on the date stamped below by the USPTO and (b) verifies only that the application number provided by the applicant on this receipt is the same as the application number provided on the accompanying request for a CPA. This receipt CANNOT be used to acknowledge receipt of any paper(s) other than the request for a CPA.

**2. APPLICATION IDENTIFICATION:**

(Provide at least enough information to identify the application)

Application No.: 09/160,728  
Filing Date: 9/25/98  
Title: A Method of Presenting & Teaching Abstract...  
Attorney Docket No.: NISUS-002- PAP  
First Named Inventor: Jerzy Lewak

(if applicable)

(THIS AREA FOR PTO DATE STAMP USE)

**USPTO HANDLING INSTRUCTIONS:**

Please stamp area to the right with the date the complete transmission of the request for a CPA was received in the USPTO and also include the USPTO organization name that provided the date stamp (stamp may include both items). Verify that the application number provided by applicant on this receipt is the same as the application number provided by applicant on the request for a CPA accompanying this receipt. If there is an inconsistency between the application number provided on this receipt and the request for a CPA, strike through the inconsistent application number provided on this receipt and insert the correct application number, if possible. Then place in a window envelope and mail.

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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## PETITIONS OFFICE

PTO/SB/97 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Attorney Docket: NISUS-002-PAP

Application No.: 09/160,728

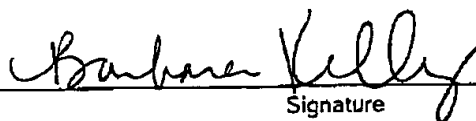
Filing Date: September 25, 1998

Title: A Method of Presenting & Teaching Abstract Concepts by  
Animating Abstract Symbols

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the  
United States Patent and Trademark Officeon September 17, 2002

Date



Signature

Barbara S. Kelly

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify  
each submitted paper.

1. Transmittal Letter, 1 page;
2. A Petition for Revival of Application for Patent Abandoned  
Unintentionally Under 37 CFR 1.137(b), 2 pages;
3. A Continued Prosecution Application (CPA) Request Transmittal,  
2 pages in duplicate;
4. A Certificate of Transmission Under 37 CFR 1.8, 1 page, listing  
all documents included in this transmission;
5. A Receipt for Facsimile Transmitted CPA, 1 page;
6. A Preliminary Amendment for Continued Prosecution Application, 14 pages;
7. A U.S. Patent and Trademark Office Credit Card Authorization  
Form, authorizing payment in the amount of \$1,010 for Petition  
fee (\$640) and CPA filing fee (\$370).

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Washington, DC 20231.

DOCKET: NISUS-002-PAP

PATENT RECEIVED

In re application of: Jerzy Lewak

SEP 18 2002

Serial No.: 09/160,728

Group Art Unit: 2772

PETITIONS OFFICE

Filed: September 25, 1998

Examiner: Lance W. Sealey

For: A Method of Presenting &amp; Teaching Abstract Concepts by Animating Abstract Symbols

I, Barbara Kelly, certify that this correspondence and all marked attachments are being deposited VIA FACSIMILE on Tuesday, September 17, 2002 to: Assistant Commissioner of Patents, Washington, D.C. 20231, Facsimile No. (703) 308-6916.

Barbara Kelly 9/17/02  
Barbara Kelly Date

Assistant Commissioner of Patents  
Washington, D.C. 20231

**PRELIMINARY AMENDMENT for CONTINUED PROSECUTION APPLICATION**

Dear Sir:

This paper is accompanied by a Request for a Continued Prosecution Application and the fee therefor, and by a petition to revive the unintentionally abandoned subject application under 37 CFR 1.137(b) and the fee therefor. In conjunction with grant of the petition to revive, these papers together constitute a complete response to the final rejection of the subject application that was mailed on May 21, 2002, failure to fully and properly respond to which resulted in the unintentional abandonment of the subject application.

Before proceeding with examination of the application, please enter the new claims as indicated below, cancel all of the claims presently existing in the application (as revived), and consider the remarks contained herein. Because the present claims submitted herewith are new, no appendix showing the changes made to arrive at the present claims is attached.